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February 27, 2018

**VIA ECF**

Honorable Valerie Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

**RE: Securities and Exchange Commission v. Davis et al, 14-cv-01528**

Dear Judge Caproni,

I represent Thomas Mullikin in the above action. I am responding to the Court's order of this date regarding the failure to appear for a February 16, 2018 conference. This is my mistake for which I apologize to the Court. Mr. Mullikin has been cooperating with the SEC with a partial settlement since the inception of this case, and we have never appeared before the Court at any previous conference. Previously, all notices I have received on this case did not apply to Mr. Mullikin and only related to the other defendants, as a stay to his case had been imposed. On February 7, 2018 and February 8, 2018 I had conversations with William Finkel, attorney for the SEC, regarding the remaining issue of money damages. I somehow misread the Court's February 2, 2018 order that Mr. Mullikin was included in the appearance for February 16. Mr. Mullikin himself had no notice of that date. It was solely my mistake for which I take full responsibility.

Respectfully submitted,



Kenneth J. Kaplan